

Surface Transportation Board, DOT

§ 1171.7

Carriers (DOT). DOT may intervene in any proceeding on the issue of safety fitness by filing an appropriate pleading detailing its reasons for opposing a grant of authority. The pleading must be filed within 20 days of receiving a copy of the application. Applicant may respond to any such pleading within 20 days of its filing.

[50 FR 20773, May 20, 1985, as amended at 54 FR 42959, Oct. 19, 1989; 58 FR 29361, May 20, 1993]

§ 1171.4 Information on Form OP-2.

(a) Applicants must furnish all information required on Form OP-2 by completing all spaces on the form and providing any necessary attachments. Failure to do so will result in rejection of the application.

(b) Notarization of the application is not required; however, applicants are subject to applicable Federal penalties for filing false information.

[50 FR 20773, May 20, 1985]

§ 1171.5 Where to send the application.

(a) The original and one copy of the application shall be filed with the Regional Office that has jurisdiction over applicant's point of domicile (the instructions to the application provide more specific information), or at such other location as the Commission may designate in special circumstances. A check or money order for the amount of the filing fee set forth at 49 CFR 1002.2(f)(1), payable to the Interstate Commerce Commission in United States dollars, must be submitted.

(b) One copy of the application shall be sent to the U.S. Department of Transportation, Federal Highway Administration, Office of Motor Carriers, Washington, DC 20590.

[58 FR 29361, May 20, 1993]

§ 1171.6 Commission review of the application.

(a) Commission staff will review the application for correctness, completeness, and adequacy of the evidence.

(1) Minor errors will be corrected without notification to the applicant.

(2) Materially incomplete applications will be rejected.

(b) Except in those proceedings in which the Department of Transportation intervenes under § 1171.3(d), compliance will be determined solely on the basis of the application. An employee review board will decide whether the authority sought falls under the statute, and whether and to what extent the evidence warrants a grant of authority.

(1) If the authority sought does not require a certificate of registration, or if the evidence does not warrant a grant of the authority sought, the employee review board will deny the application in whole or in part. In the case of a full or partial denial of an application, the Commission will inform the applicant by letter setting forth the reasons for the denial.

(2) If the employee board grants all or part of the application, the Commission will issue a certificate of registration authorizing specified operations provided that applicant has demonstrated compliance with 49 CFR 1044 (designation of process agent). If applicant has not complied with this requirement, the Commission will issue a notice stating that a certificate of registration will be issued upon such compliance. No certificate of registration shall be issued prior to compliance.

(c) If the Department of Transportation intervenes under 49 CFR 1171.3(d), the proceeding will be decided by the Commission. If the Commission grants all or part of the application, it will issue a certificate in accordance with the procedure described in 49 CFR 1171.6(b)(2).

[50 FR 20773, May 20, 1985, as amended at 50 FR 40030, Oct. 1, 1985; 54 FR 42959, Oct. 19, 1989; 54 FR 52035, Dec. 20, 1989; 55 FR 47338, Nov. 13, 1990]

§ 1171.7 Appeals.

A decision disposing of an application subject to these rules is a final action of the Commission. Review of such an action on appeal is governed by the Commission's appeal regulations at § 1115.2.

[50 FR 20773, May 20, 1985]